EXHIBIT 5

1	UNITED STATES DISTRICT COURT
2	NORTHERN DISTRICT OF CALIFORNIA
3	OAKLAND DIVISION
4	00
5	JEFF YOUNG, individually)
6	And on behalf of all other)
7	Similarly situated,)
8	Plaintiffs,) No. 4:17-CV-06252-YGR
9	vs.)
10	CREE, INC.,
11	Defendants.)
12)
13	00
14	DEPOSITION OF JEFFRY YOUNG
15	September 18, 2018
16	
17	
18	
19	Reported by: DENNIS M. SOUZA, CSR #3893
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21 22	
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22 23	

1	INDEX		
2			
3		Page	
4			
5	Deposition of: JEFFRY YOUNG		
6	Examination by: Mr. Richter	7	
7	Examination by: Mr. Woods	130	
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
			2

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1		EXHIBITS MARKED FOR IDENTIFICATION		
2				
3	1	(Defendant Cree, Inc.'s Amended Notice		
4		Of Deposition of Plaintiff Jeff Young)	19	
5	2	(E-mail dated August 6, 2016 to Jeff		
6		Young from Cree Customer Support)	21	
7	3	(Class Action Complaint Jury Trial Demand)	63	
8	4	(Amended Class Action Complaint Jury Trial		
9		Demand)	80	
10	5	(Colored photocopy)	105	
11				
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13				
14				
15				
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17				
18				
19				
20				
21				
22				
23				
24				
25				
				3

Case 4:17-cv-06252-YGR Document 120-5 Filed 02/14/20 Page 5 of 15 Jeffry L. Young September 18, 2018

1	MR. WOODS: No.	10:44
2	THE WITNESS: I misunderstood. I would have	10:44
3	expected it to, yes; no, I don't understand that.	10:44
4	MR. RICHTER: Q. But then that is what the	10:44
5	warranty is for, right, because if it doesn't last	10:44
6	100,000 miles you take it back to the dealer and they	10:44
7	fix it, right?	10:44
8	A. A fair statement; that it will be fixed if it	10:44
9	doesn't last.	10:44
10	Q. That is what I am getting at, Mr. Young.	10:44
11	A. I see.	10:44
12	Q. You see what I am saying?	10:44
13	A. Now, yeah.	10:44
14	Q. In other words, just because somebody says my	10:44
15	power train warranty is going to last 100,000 miles,	10:44
16	there may be some problems with the car or defect with	10:44
17	the car, not every car is perfect, but what the	10:45
18	manufacturer is saying is: Hey, if it breaks, come	10:45
19	back, we will fix it, right?	10:45
20	A. I understand.	10:45
21	MR. WOODS: Calls for speculation. Objection	10:45
22	to form. You can answer.	10:45
23	MR. RICHTER: Q. I am going to ask the	10:45
24	question again just so we are clear.	10:45
25	In other words, when you see a warranty for a	10:45
		34

Case 4:17-cv-06252-YGR Document 120-5 Filed 02/14/20 Page 6 of 15 Jeffry L. Young September 18, 2018

1	product you buy and say it is a ten-year, let's just	10:45
2	say a 100,000-mile power train warranty, you don't	10:45
3	understand and expect that every single car lasts	10:45
4	100,000 miles in the power train, some of them are	10:45
5	going to break. And what happens then is the	10:45
6	manufacturer fixes it, right?	10:45
7	MR. WOODS: Calls for speculation. Object to	10:45
8	form. You can answer.	10:45
9	THE WITNESS: I can answer?	10:45
10	MR. WOODS: Yes.	10:45
11	THE WITNESS: Yes. I would expect that it	10:45
12	would just be fixed.	10:45
13	MR. WOODS: Sorry, unless I tell you not to	10:45
14	answer, you can answer.	10:45
15	THE WITNESS: Okay.	10:45
16	MR. RICHTER: Q. Yeah. I forgot to go over	10:45
17	that.	10:46
18	A. Oh, boy, that is not what they do that is	10:46
19	right. We don't have a judge here. Why don't you	10:46
20	speak up.	10:46
21	Q. He can't rule on client's objections.	10:46
22	A. Oh, come on.	10:46
23	Q. Let's go back to	10:46
24	So your practice is with light bulbs and not	10:46
25	just CREE light bulbs, but LED light bulbs that you	10:46
		35

1	middle a	at line 13 called Individual Plaintiff Facts.	11:31
2	Do you s	see that?	11:31
3	А.	Yes.	11:31
4	Q.	Is this the section that you read about you?	11:31
5	А.	Yes.	11:31
6	Q.	It is three sentences, right?	11:31
7	А.	Okay. Yeah.	11:31
8	Q.	Did you read this to make sure it was	11:31
9	accurate	<u> </u>	11:31
10	А.	Yes.	11:31
11	Q.	It says here: Plaintiff	11:32
12	А.	It wasn't accurate.	11:32
13	Q.	It what?	11:32
14	А.	It was not accurate.	11:32
15		MR. WOODS: Wait for him to ask the question.	11:32
16		THE WITNESS: Okay, sorry.	11:32
17		MR. RICHTER: Q. Yeah, this isn't accurate,	11:32
18	is it?		11:32
19	Α.	No.	11:32
20	Q.	Did you tell did you make a change?	11:32
21	А.	I didn't no. I didn't.	11:32
22	Q.	Did you tell anybody: This is isn't	11:32
23	accurate	<u> </u>	11:32
24	А.	I can't I don't think I should answer	11:32
25	that.		11:32
			65

Case 4:17-cv-06252-YGR Document 120-5 Filed 02/14/20 Page 8 of 15 Jeffry L. Young September 18, 2018

1	it.	11:33
2	Oh, no, I could be wrong. Sorry, I have got	11:33
3	to wing it here a little bit.	11:33
4	I didn't remember where I bought the bulbs,	11:33
5	that was the problem. I didn't know if I bought them	11:33
6	at Home Depot or I bought them at Walmart.	11:33
7	I hadn't reinspected the fine print on that.	11:33
8	I know I am winging it but that's how it	11:33
9	occurred, that is why the error occurred.	11:33
10	I thought that I bought it at Walmart or	11:33
11	could have bought it at Walmart as opposed to	11:33
12	Home Depot.	11:33
13	MR. RICHTER: Q. So at the time you reviewed	11:33
14	this complaint before it was filed, you thought you	11:33
15	could have bought it at Walmart?	11:33
16	A. Yeah. I thought it might have been accurate	11:33
17	back then.	11:33
18	Q. Is it accurate that you purchased three	11:34
19	100-watt standard A-type bulbs on or about April 15th?	11:34
20	A. I bought them at different times.	11:34
21	Q. So you didn't buy three in April of 2015, did	11:34
22	you?	11:34
23	MR. WOODS: Objection. Mischaracterizes the	11:34
24	testimony, argumentative, you can answer.	11:34
25	THE WITNESS: No. I did not, no. I bought	11:34
		67

1	Α.	I used to.	11:44
2	Q.	When?	11:44
3	Α.	Years ago.	11:44
4	Q.	Did you buy any of these three bulbs on-line?	11:44
5	Α.	No.	11:44
6	Q.	So you bought these three bulbs in a store?	11:44
7	Α.	Yes, for sure.	11:45
8	Q.	And you don't recall where? You recall one	11:45
9	was Home	Depot, right?	11:45
10	Α.	I don't recall that. I am going because it	11:45
11	says "Ho	me Depot." I don't have any specific	11:45
12	recollec	tion of buying any of these bulbs.	11:45
13	Q.	Then it goes on to say here within months all	11:45
14	three bu	lbs burned out. Right?	11:45
15	Α.	Yes.	11:45
16	Q.	Well, was it months or was it a year?	11:45
17	Α.	Don't know.	11:45
18	Q.	Did you remember writing an E-mail to CREE on	11:45
19	their we	b site and complaining about the bulbs?	11:45
20	Α.	I actually don't remember it.	11:45
21	Q.	Do you remember filling out information on	11:45
22	the web	site that caused you to get Exhibit 2 in	11:45
23	response	?	11:45
24	Α.	No recollection of that at all.	11:45
25	Q.	We will go into that later.	11:46
			79

Case 4:17-cv-06252-YGR Document 120-5 Filed 02/14/20 Page 10 of 15 September 18, 2018

1	the exact numbers.	11:51
2	Q. Representations that the bulb would perform	11:51
3	better than less expensive LED and non-LED bulbs,	11:51
4	right?	11:51
5	A. Yeah. Absolutely.	11:52
6	Q. And representations that the bulbs were	11:52
7	guaranteed and/or warranted for performance?	11:52
8	A. Right.	11:52
9	Q. You saw that?	11:52
10	A. Yes.	11:52
11	Q. Look at the next paragraph. It says: "In	11:52
12	addition, Mr. Young viewed some internet and	11:52
13	television advertisements by CREE prior to	11:52
14	purchasing." Is that accurate?	11:52
15	A. I don't know that it was CREE. I saw	11:52
16	advertisements representing LED light bulbs.	11:52
17	Q. On TV?	11:52
18	A. On TV.	11:52
19	Q. What about internet?	11:52
20	A. Oh, yeah.	11:52
21	Q. You saw ads on the internet?	11:52
22	A. Oh, yeah, yeah.	11:52
23	Q. But I thought you testified earlier that you	11:52
24	don't recall any CREE ads on the internet?	11:52
25	MR. WOODS: Objection, mischaracterizes the	11:52
		85

Case 4:17-cv-06252-YGR Document 120-5 Filed 02/14/20 Page 11 of 15 September 18, 2018

1	testimony. You can answer.	11:52
2	THE WITNESS: Yeah. I don't remember if	11:52
3	CREE, specifically. I don't remember any,	11:52
4	specifically, I just know I have seen them.	11:52
5	MR. RICHTER: Q. You've seen ads on the TV?	11:52
6	A. And the internet for LED bulbs.	11:52
7	Q. And you saw these ads before you bought the	11:53
8	CREE bulbs?	11:53
9	A. Yes.	11:53
10	Q. How long before?	11:53
11	A. I have no idea, years maybe.	11:53
12	Q. Years maybe?	11:53
13	A. Yeah.	11:53
14	Q. Did those ads contain any representations	11:53
15	about the length of time the bulbs would last or the	11:53
16	quality of the light or anything like that?	11:53
17	MR. WOODS: Object to form. You can answer.	11:53
18	THE WITNESS: Yes.	11:53
19	MR. RICHTER: Q. They did?	11:53
20	A. Yes.	11:53
21	Q. And you remembered that when you bought the	11:53
22	CREE bulbs?	11:53
23	A. Yes.	11:53
24	Q. Even though you don't remember that those ads	11:53
25	had anything to do with CREE?	11:53
		86

Case 4:17-cv-06252-YGR Document 120-5 Filed 02/14/20 Page 12 of 15 September 18, 2018

1	A. Yes. Sorry.	11:53
2	Q. This sentence goes on to say that prior to	11:53
3	purchasing you saw internet and television ads that	11:53
4	contain representations that the bulbs, and these are	11:53
5	ads by CREE, that the bulbs would last 25 times longer	11:53
6	than incandescent bulbs and use a fraction of the	11:53
7	energy of incandescent bulbs.	11:53
8	Do you remember seeing any television or	11:53
9	internet ads that said that?	11:53
10	A. I don't remember the specifics. Like I say,	11:53
11	don't know if it said 25 years times longer or lasted	11:54
12	10 years. I don't remember the specifics.	11:54
13	Q. It says in the next sentence you relied on	11:54
14	these representations and in doing so decided to buy	11:54
15	the CREE bulbs.	11:54
16	Is that accurate?	11:54
17	A. Yeah.	11:54
18	Q. Well, but you said you don't even remember if	11:54
19	they were CREE advertisements, right?	11:54
20	MR. WOODS: Objection, mischaracterizes the	11:54
21	testimony. You can answer.	11:54
22	THE WITNESS: I read the package on the CREE.	11:54
23	MR. RICHTER: Q. No. I am focused here on	11:54
24	these internet and TV ads, just on those.	11:54
25	A. Sure.	11:54
		87

Case 4:17-cv-06252-YGR Document 120-5 Filed 02/14/20 Page 13 of 15 September 18, 2018

1	Q. And again, let me go back now to make sure we	11:54
2	are on the same page.	11:54
3	A. Okay.	11:54
4	Q. It says representations that the bulbs would	11:54
5	last up to 25 times longer than incandescent bulbs.	11:54
6	Do you remember ever seeing that in a television or an	11:54
7	internet ad?	11:54
8	A. Not specifically, not those numbers.	11:54
9	Q. Did you rely on anything like that from a	11:54
10	television or internet ad in purchasing the CREE	11:54
11	bulbs?	11:55
12	A. No. Just in purchasing LEDs in general.	11:55
13	Q. What you relied on for purchasing the CREE	11:55
14	bulbs is you looked at the	11:55
15	A. Sorry.	11:55
16	Q. No worries. What you relied on you said in	11:55
17	purchasing the CREE bulbs is you looked at the	11:55
18	package, right?	11:55
19	A. Right.	11:55
20	Q. All right. It says next that you attempted	11:55
21	to contact CREE to request replacement but you were	11:55
22	unsuccessful through their web site.	11:55
23	A. Yes.	11:55
24	Q. So you did contact CREE eventually through	11:55
25	their web site, right?	11:56
		88

Case 4:17-cv-06252-YGR Document 120-5 Filed 02/14/20 Page 14 of 15 September 18, 2018

1	А.	Okay.	01:21
2	Q.	So I am asking for your understanding.	01:21
3	А.	Okay.	01:21
4	Q.	All right? So you understand that you are	01:21
5	the class representative, right?		
6	А.	Yes.	01:21
7	Q.	Do you have an understanding of what duties	01:21
8	you have	to the class?	01:22
9	А.	No, not particularly some duties.	01:22
10	Q.	Do you know what it means to be a class	01:22
11	represent	tative?	01:22
12	А.	Not really, I know you have got to pay	01:22
13	attention	n to what's going on, which I am not doing	01:22
14	well.		01:22
15	Q.	Do you, as a class representative do you	01:22
16	expect to	o receive any kind of compensation?	01:22
17	А.	I think it is a possibility.	01:22
18	Q.	What do you understand you might receive?	01:22
19	А.	I have no dollar amount in mind. I think	01:22
20	whatever	the law finds appropriate.	01:22
21	Q.	As a class representative, what have you done	01:22
22	so far in	n this litigation?	01:22
23	А.	Discussions with the attorney and come here.	01:22
24	Q.	You have reviewed pleadings, right?	01:22
25	А.	I don't even I don't understand pleadings.	01:22
			123

Case 4:17-cv-06252-YGR Document 120-5 Filed 02/14/20 Page 15 of 15 September 18, 2018

1	Q.	In other words, a complaint is a pleading.	01:22
2	А.	Oh, yeah, I have reviewed complaints, yes.	01:22
3	Q.	Have you kept abreast of what is going on in	01:23
4	this cas	e?	01:23
5	Α.	Not as well as I should have.	01:23
6	Q.	Do you know where this case was filed in	01:23
7	court?		01:23
8	Α.	No. I know it is filed in a court.	01:23
9	Q.	Do you know which court?	01:23
10	Α.	In San Francisco. I could be wrong.	01:23
11	Q.	Do you know if it is Federal or State Court?	01:23
12	Α.	I do not.	01:23
13	Q.	Were you consulted about where this case	01:23
14	should be filed? 01:23		
15		MR. WOODS: Objection.	01:23
16		MR. RICHTER: Q. Yes or no.	01:23
17		MR. WOODS: Objection. Invades	01:23
18	attorney	-client privilege. Don't answer.	01:23
19		MR. RICHTER: Q. Okay. Do you know that	01:23
20	there we	re motions to dismiss the complaint in this	01:23
21	case?		01:23
22	Α.	I heard something about that.	01:23
23	Q.	Do you know what the rulings were?	01:23
24	Α.	I assume it wasn't dismissed because we	01:23
25	are here	but no, I do not know. Sorry.	01:23
			124